

### **REMARKS**

This is in response to the Office Action mailed April 23, 2002. In the Office Action, claims 1-72 were cited as being subject to a restriction requirement. Reexamination and reconsideration of this case is respectfully requested in view of the amendments made herein and the following remarks.

Claim 68 has been amended by this response. Claims 53-57 were previously canceled without prejudice in response to a first restriction requirement.

Claims 1-52 and 58-72 remain at issue in the patent application. Of those remaining at issue, claims 1, 13, 27, 32, 41, 58, and 64 are independent claims.

Applicant believes that no new matter has been added by this response.

### **I) RESTRICTION REQUIREMENT**

On page 2 of the Office Action, claims 1-52 were made subject to a second restriction requirement, a genus-species type restriction requirement.

Applicant respectfully traverses the restriction requirement with respect to claims 1-52. The Office Action restricted claims 1-52 into five species, Species I-V.

a) Species I: claims 1-12, drawn to a method of processing a semiconductor device having vertically etching horizontal surfaces of a first material.

b) Species II: claims 13-26, drawn to a method of processing a semiconductor device having a doping into the first material.

c) Species III: claims 27-31, drawn to a method of processing a semiconductor device having doping into sidewall

d) Species IV: claims 32-40, drawn to a method of processing a semiconductor device having a diffusion barrier layer.

e) Species V: claims 41-52, drawn to a method of processing a semiconductor device having a diffusion barrier layer.

In response to the restriction requirement, Applicant provisionally elects Species I of claims 1-12.

Applicant has made attempts to have an Examiner Interview regarding the current Office Action. However, the file was not available to the Examiner to discuss the current issues in this case.

Applicant respectfully requests an Examiner Interview to discuss the following issues:

1) In Applicant's prior response, Applicant traversed the first restriction requirement with respect to claims 58-72. The Office Action mailed on July 01, 2003 did not address Applicants traversal with respect to claims 58-72. The present Office Action seems to have ignored claims 58-72 as it did not comment on Applicants request for reconsideration.

2) The current Office Action indicates Species III claims are drawn to a method of processing a semiconductor device having doping into sidewall.

However, independent claim 27 does not recite "doping into a sidewall".

3) The current Office Action indicates Species IV claims are drawn to a method of processing a semiconductor device having a diffusion barrier layer.

However, independent claim 32 does not recite "having a diffusion barrier layer".

4) The current Office Action indicates Species V claims are drawn to a method of processing a semiconductor device having a diffusion barrier layer:

However, independent claim 41 does not recite "having [an] epitaxial layer".

5) Combining Species III, VI, and V together into one species.

Applicant respectfully requests an Examiner Interview to understand the second restriction requirement and discuss the grouping of the species I-V.

**II) CLAIM AMENDMENT**

Applicant has amended claim 68 to correct its dependency from "64" to -67--.

Applicant respectfully submits that this amendment is not made for reasons related to patentability but to clarify Applicant's claimed invention.

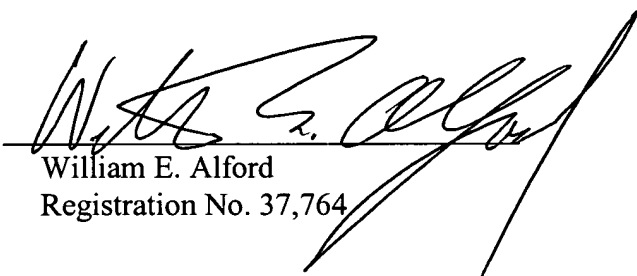
**CONCLUSION**

Reconsideration of the restriction requirement is respectfully requested.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 to expedite the prosecution of this case should there be any unresolved matters remaining. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313 on: August 1, 2003

  
Susan McFarlane  
8/1/03  
Date